

**REMARKS**

Claims 1, 2, 7, 14, 23 and 24 have been amended. Claims 1-33 are pending in the application. Claims 20-22 have been withdrawn from consideration. Claims 1-19 and 23-33 remain in the application.

Claims 1-5, 7-9, 14-17 and 19 were rejected under 35 U.S.C. §102(e) as being anticipated by Campbell (USPN 6,474,191). The Applicant respectfully traverses this rejection.

U.S. Patent Number 6,474,191 to Campbell discloses an accelerator pedal assembly 8. The assembly has a housing 12 with a sensor cavity 14 on one side and a spring cavity 16 on the other side. A spring assembly is disposed within the cavity 16. The spring assembly includes a shaft 26 having a spring end 26a and a sensor end 26b that is mounted in a shaft hole 20. Two o-rings 27a, 27b are mounted on each side of the shaft, respectively. A drive plate 30 is attached to the shaft, and has a rod 32 extending perpendicular away from the plate 30 and a nose 33. A friction plate 38 includes an oval shaped hole 39 extending therethrough, an outer surface 40, a shoulder 41 and outer surface 40. The rod 32 extends through the bore 39 to rotatably support the plate 38 on the rod. The outer surface of the friction plate is in frictional contact with the wall of the housing. A torsion spring 48 is located on the shaft 26. One pair of curved spring ends rest on the shoulder 41 and one pair of straight spring ends 50 are held in a slot 46 in the spring cavity 16. The oval shaped bore in the friction plate allows the spring to press the friction plate toward the wall 44 of the housing. The pedal includes a kickdown assembly 54 having a clip 52 that presses on the nose 33 of the drive plate as the shaft rotates, so that the operator feels resistance. The pedal assembly further includes a pedal bar 60 with a foot pad 61 on a lower end and a ring 62 welded to an upper end. The ring end of the shaft fits over the shaft 26. The pedal

also includes a sensor assembly 70 contained within the housing. Operation of the pedal causes the drive plate to rotate, which forces the friction plate against the wall in rubbing contact to send a resistive feedback to the operator. The kickdown clip provides a tactile sensation of maximum pedal depression. The spring returns the pedal back to an idle position when the pedal is released. Campbell does not disclose a hysteresis generating means pivotally mounted to an upper pedal arm, as disclosed by the Applicant.

In contradistinction, claim 1 discloses an electronically controlled pedal assembly with hysteresis. The pedal assembly 10 includes a housing 12 having a front wall 14 and an arcuate friction wall extending from an edge of the front wall. The friction wall has a radius of curvature centered on a pedal arm pivot point 20. A pedal arm 22 having an upper pedal arm 32 and a lower pedal arm 34 is rotatably supported at the pedal arm pivot point by a mounting means operatively connected to the housing. The pedal arm pivot point is positioned between the upper pedal arm and lower pedal arm. The pedal assembly further includes a hysteresis generating means 38 pivotally mounted to the upper pedal arm. The pedal assembly further includes a spring 46 positioned between the housing and the hysteresis generating means. The spring biases the hysteresis generating means against the housing. In operation, depression of the pedal arm compresses the spring while generating an increasing frictional hysteresis force between the arcuate friction wall and the hysteresis generating means that is translated back through the pedal arm, and release of the pedal arm reduces the frictional hysteresis force. Claims 14 and 23 are similar to claim 1, and include additional limitations.

Campbell does not disclose, anticipate or otherwise suggest the invention of claim 1 as amended. Campbell '191 merely discloses that an upper end of the pedal arm is rotatably

attached to a shaft at a pedal arm pivot point. Campbell '191 also discloses that the hysteresis generating means, including drive plate, friction plate and spring, is rotatably disposed on the shaft. Campbell '191 does not disclose a pedal assembly defined by an upper pedal arm and a lower pedal arm, and the pedal assembly pivots about a pedal arm pivot point that is between the upper pedal arm and lower pedal arm. Campbell '191 does not disclose a pedal assembly having a hysteresis generating means pivotally mounted to the upper pedal arm. These are critical structural distinctions between the pedal assembly taught by Campbell '191 and that taught by the Applicant.

Therefore, it is respectfully submitted that claims 1, 14 and 23, as amended, and the claims dependent therefrom are allowable over the rejection under 35 U.S.C. §102(e).

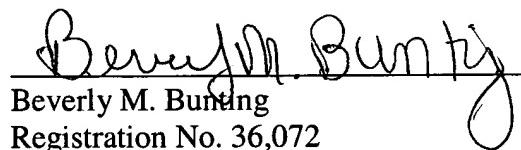
Claims 6, 18 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell (USPN 6,474,191) and in view of Applicant's admission the groups I-IV are not patentably distinct. The Applicant respectfully traverses this rejection for the reasons set forth above. Therefore, it is respectfully submitted that claims 6, 18 and 28 are allowable over the rejection under 35 U.S.C. §103(a).

Claims 10-13, 23-27 and 29-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell (USPN 6,474,191) and in view of Kalsi (USPN 6,263,859) and Hobein et al. (USPN 6,384,598). The Applicant respectfully traverses this rejection for the reasons set forth above.

Therefore, it is respectfully submitted that claims 10-13, 23-27 and 29-33 are allowable over the rejection under 35 U.S.C. §103(a).

Based on the above, the Applicant submits that the claims are in a condition for allowance, which allowance is respectfully solicited. If the Examiner finds to the contrary, it is respectfully requested that the undersigned in charge of this application be called at the telephone number given below to resolve any remaining issues.

Respectfully submitted,



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